



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-17072021-228344
CG-DL-W-17072021-228344

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 24]	नई दिल्ली, जुलाई 4—जुलाई 10, 2021 शनिवार/आषाढ़ 13—आषाढ़ 19, 1943
No. 24]	NEW DELHI, JULY 4—JULY 10, 2021, SATURDAY/ASHADHA 13—ASHADHA 19, 1943

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 5 जुलाई, 2021

का.आ. 417.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय जीवन बीमा निगम के कार्यपालक निदेशक और अंचल प्रबंधक (चयन श्रेणी) श्री बी. सी. पटनायक (जन्म तिथि 19.3.1963) को 1.10.2021 को या इसके बाद कार्यभार ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु (अर्थात् 31.3.2023) तक या आगामी आदेशों तक, जो भी पहले हो, भारतीय जीवन बीमा निगम में प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. ए-15011/02/2021-बीमा-I]

विनोद कुमार, अवर सचिव

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 5th July, 2021

S.O. 417.—In exercise of the powers conferred by section 4 of the Life Insurance Corporation of India Act, 1956 (31 of 1956), the Central Government hereby appoints Sh. B. C. Patnaik (date of birth: 19.3.1963), Executive Director and Zonal Manager (Selection Grade), Life Insurance Corporation of India (LIC) as Managing Director, LIC, *w.e.f* the date of assumption of charge of office on or after 1.10.2021 and up to the date of his attaining the age of superannuation (*i.e.*, 31.3.2023), or until further orders, whichever is earlier.

[F. No. A-15011/02/2021-Ins.I]

VINOD KUMAR, Under Secy.

नई दिल्ली, 5 जुलाई, 2021

का.आ. 418.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय जीवन बीमा निगम की कार्यपालक निदेशक और अंचल प्रबंधक (चयन श्रेणी) सुश्री आईप मिनी (जन्म तिथि 19.8.1963) को 1.8.2021 को या इसके बाद कार्यभार ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु (अर्थात् 31.8.2023) तक या आगामी आदेशों तक, जो भी पहले हो, भारतीय जीवन बीमा निगम में प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. ए-15011/02/2021-बीमा-I]

विनोद कुमार, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 418.—In exercise of the powers conferred by section 4 of the Life Insurance Corporation of India Act, 1956 (31 of 1956), the Central Government hereby appoints Ms. Ipe Mini (date of birth: 19.8.1963), Executive Director and Zonal Manager (Selection Grade), Life Insurance Corporation of India (LIC) as Managing Director, LIC, *w.e.f* the date of assumption of charge of office on or after 1.8.2021 and up to the date of her attaining the age of superannuation (*i.e.*, 31.8.2023), or until further orders, whichever is earlier.

[F. No. A-15011/02/2021-Ins.I]

VINOD KUMAR, Under Secy.

विदेश मंत्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 20 जून 2021

का.आ. 419.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के महावाणिज्य दूतावास बैंकूर में श्री अलन वरगीस मेल्यु, सहायक अनुभाग अधिकारी को दिनांक 20 जून 2021 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2015]

विष्णु कुमार शर्मा, निदेशक (सी.पी.वी.)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 20th June, 2021

S.O. 419.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Alan Varghese Mathew, Assistant Section Officer as Assistant Consular Officer in Consulate General of India Vancouver to perform the Consular services with effect from 20.06.2021.

[F. No. T-4330/01/2015]

VISHNU KUMAR SHARMA, Director (CPV)

नई दिल्ली, 25 जून 2021

का.आ. 420.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के भारतीय उच्चायोग मापुटो में श्री मनोहर सिंह शेखावत, सहायक अनुभाग अधिकारी को दिनांक 25 जून 2021 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2015]

विष्णु कुमार शर्मा, निदेशक (सी.पी.वी.)

New Delhi, the 25th June, 2021

S.O. 420.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Manohar Singh Shekhawat, Assistant Section Officer in High Commission of India Maputo to perform the Consular services as Assistant Consular Officer with effect from 25 June, 2021.

[F. No. T-4330/01/2015]

VISHNU KUMAR SHARMA, Director (CPV)

नई दिल्ली, 25 जून 2021

का.आ. 421.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के भारत के दूतावास, बहरीन में श्री सुमन कृष्ण, सहायक अनुभाग अधिकारी को दिनांक 25 जून 2021 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2017]

विष्णु कुमार शर्मा, निदेशक (सी.पी.वी.)

New Delhi, the 25th June, 2021

S.O. 421.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Suman Krishan, Assistant Section Officer as Assistant Consular Officer in Embassy of India, Bahrain to perform the Consular services with effect from 25 June, 2021.

[F. No. T-4330/01/2017]

VISHNU KUMAR SHARMA, Director (CPV)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 31 मई, 2021

का.आ. 422.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गोवा राज्य सरकार, गृह विभाग (सामान्य), गोवा की अधिसूचना सं. 30/01/2015-सीबीआई/एचडी(जी)/834, दिनांक 19.03.2021 के माध्यम से जारी सहमति से, श्री अल्लमश अंसारी, बावर्ची, फिडालगो होटल, पणजी, गोवा और निवासी 210, 4^थ निज़ामपुरा, महाराष्ट्र डायिंग के समीप, भिवंडी, महाराष्ट्र द्वारा नाबालिग/बच्चों के यौन शोषण करने एवं इंटरनेट का उपयोग करते हुए बालयौन उत्पीड़न सामग्री का प्रकाशन/पारेषण करने के संबंध में सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) और लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 (2012 का 32) के तहत किए गए अभिकथित अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त गोवा राज्य में करती है।

[फा. सं. 228/25/2021-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 31st May, 2021

S.O. 422.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Goa, issued vide Notification No. 30/01/2015-CBI/HD(G)/834 dated 19.03.2021, Department of Home (General), Goa, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Goa for investigation into the offence(s) under the Information Technology Act, 2000 (21 of 2000) and the Protection of Children from Sexual Offences Act, 2012 (32 of 2012) alleged to have been committed by Shri Altamash Ansari, Chef at Fidalgo Hotel, Panaji, Goa and resident of 210, 4th Nizampura, Near Maharashtra Dyeing, Bhiwandi, Maharashtra, pertaining to indulgence in sexual abuse of minors/children and publishing/ transmitting of child sexual abusive material by using internet and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/25/2021-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 31 मई, 2021

का.आ. 423.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश राज्य सरकार, गृह विभाग, भोपाल की अधिसूचना सं. एफ-12-41/2021/बी-1/टू, दिनांक 24.03.2021 के माध्यम से जारी सहमति से, श्री केशव मिश्रा, पुत्र श्री सर्वेश चंद्र मिश्रा, निवासी उमरिया मध्य प्रदेश द्वारा सोशल मीडिया प्लेटफॉर्म का उपयोग करते हुए बालयौन उत्पीड़न सामग्री की ऑनलाईन बिक्री/साझा/परिचालन के संबंध में सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) और लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 (2012 का 32) के तहत किए गए अभिकथित अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त मध्य प्रदेश राज्य में करती है।

[फा. सं. 228/24/2021-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 31st May, 2021

S.O. 423.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh, issued vide Notification No. F-12-41/2021/B-1/Two dated 24.03.2021, Home Department, Bhopal, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Madhya Pradesh for investigation into the offence(s) under the Information Technology Act, 2000 (21 of 2000) and the Protection of Children from Sexual Offences Act, 2012 (32 of 2012) alleged to have been committed by Shri Keshav Mishra, S/o Shri Sarvesh Chandra Mishra, resident of Umariya, Madhya Pradesh, pertaining to online selling/sharing/ circulating of child sexual abusive material by using social media platform and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/24/2021-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 1 जुलाई, 2021

का.आ. 424.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश सरकार, के आदेश सं. 04 सी.बी.आई./VI-पी-4-2018-18(27)B/18 दिनांक 19 अप्रैल, 2018, गृह (पुलिस) धारा-4, लखनऊ, के माध्यम से जारी उत्तर प्रदेश राज्य सरकार की सहमति से, एक नाबालिग लड़के मास्टर अभय प्रताप सिंह की हत्या से संबंधित, थाना गौरीगंज, जिला अमेठी में भारतीय दंड संहिता (1860 का 45) की धाराओं 302 एवं 201 के तहत दर्ज मामला अपराध सं. 14/18 से संबंधित अपराध(धों) के अन्वेषण और ऐसे अपराध(धों) से जुड़े या संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/16/2018-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 1st July, 2021

S.O. 424.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, issued vide Order No. 04 C.B.I./VI-P-4-2018-18(27)B/18 dated 19th April, 2018, Home (Police) Section-4, Lucknow, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Uttar Pradesh for investigation into the offence(s) relating to case Crime No. 14/18, registered under sections 302 and 201 of the Indian Penal Code (45 of 1860) at Police Station Gauriganj, District Amethi, pertaining to murder of a minor boy Master Abhay Pratap Singh and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/16/2018-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 9 जून, 2021

का.आ. 425.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के अंतर्गत भारतीय विमानपत्तन प्राधिकरण के निम्नलिखित कार्यालयों, जिनमें 80 प्रतिशत कर्मिकों द्वारा हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया गया है, को एतद्वारा अधिसूचित करती है।

1. दीव विमानपत्तन कार्यालय, दीव, भारतीय विमानपत्तन प्राधिकरण।
2. पाक्योंग हवाईअड्डा कार्यालय, पाक्योंग, भारतीय विमानपत्तन प्राधिकरण।

[फा. सं. ई-11014/9/2015-रा.भा.]

अंशुमाली रस्तोगी, संयुक्त सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 9th June, 2021

S.O. 425.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government, hereby notifies the following Offices of the Airports Authority of India, under Ministry of Civil Aviation, whereof 80% staff have acquired the working knowledge of Hindi.

1. Diu Airport Office, Diu, Airports Authority of India
2. Pakyong Airport office, Pakyong, Airports Authority of India

[F. No. E-11014/9/2015-OL]

ANGSHUMALI RASTOGI, Jt. Secy.

कोयला मंत्रालय

नई दिल्ली, 5 जुलाई, 2021

का.आ. 426.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त होने की संभावना है;

और उक्त अनुसूची में वर्णित भूमि के क्षेत्र में अंतर्विष्ट करने वाला रेखांक संख्यांक आरईवी /01/ 2021, तारीख 6 मई, 2021 का निरीक्षण सेंट्रल कोलफील्ड्स लिमिटेड (भूमि और राजस्व विभाग), दरभंगा हाउस, राँची – 834029 (झारखण्ड) के कार्यालय में या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड़ा क्षेत्र, जिला हजारीबाग (झारखण्ड) के कार्यालय में या महाप्रबंधक (खोज प्रभाग), आर.आई.-III, केन्द्रीय खान योजना और डिजाईन संस्थान लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता- 700001 के कार्यालय में किया जा सकता है ;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति,-

- (i) सम्पूर्ण भूमि या उसके किसी भाग या उक्त भूमि में या उसके ऊपर किसी अधिकार के अर्जन प्रति आक्षेप कर सकेगा; या
- (ii) उक्त अधिनियम की धारा 4 की उपधारा (3) के अधीन की गई कार्रवाई से हुई किसी क्षति या संभावित क्षति उक्त अधिनियम की धारा 6 के अधीन किसी नुकसानी के लिए प्रतिकर का दावा कर सकेगा; या
- (iii) उक्त अधिनियम की धारा 13 की उपधारा (1) के अधीन प्रभावहीन हो गई पूर्वोक्षण अनुज्ञप्ति के संबंध में या उक्त अधिनियम की धारा 13 की उपधारा (4) के अधीन प्रभावहीन हो गये खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (1) के खण्ड (i) से खंड (iv) में विनिर्दिष्ट मदों के संबंध में उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चार्टों और अन्य दस्तावेजों को,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिनों के भीतर महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड़ा क्षेत्र, जिला हजारीबाग (झारखण्ड) या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग, दरभंगा हाउस, राँची – 834029 (झारखण्ड) को सुपुर्द करेगा।

अनुसूची

गिद्दी 'सी' ओसीपी

जिला - हजारीबाग (झारखण्ड)

[रेखांक संख्यांक आरईवी/ 01/ 2021, तारीख 6 मई, 2021]

खंड	ग्राम	थाना संख्या	अंचल	जिला	अर्जन के अधीन रकबा		टिप्पणियां
					एकड़ में	हेक्टेयर में	
ए	डाड़ी	43	डाड़ी	हजारीबाग	87.51	35.41	भाग
बी	डाड़ी	43	डाड़ी	हजारीबाग	0.32	0.13	भाग
सी	डाड़ी	43	डाड़ी	हजारीबाग	18.14	7.34	भाग
अर्जित की जाने वाली भूमि का कुल रकबा (ए +बी+ सी) :					105.97 एकड़ (लगभग)	42.88 हेक्टेयर (लगभग)	

सीमा वर्णन :

ए1- ए2-ए3-ए4-ए5-ए6-ए1.	-	रेखा बिन्दु 'ए1' से आरंभ होकर बिन्दु ए2, ए3, ए4, ए5 और ए6 से गुजरते हुए आरंभिक बिन्दु 'ए1' पर मिलती है।
बी1-बी2-बी3-बी4-बी5-बी6-बी7-बी1.	-	रेखा बिन्दु 'बी1' से आरंभ होकर बिन्दु बी2, बी3, बी4, बी5, बी6 और बी7 से गुजरते हुए आरंभिक बिन्दु 'बी1' पर मिलती है।
सी1-सी2-सी3-सी4-सी5-सी6-सी7-सी8- सी9-सी10-सी11-सी12-सी13-सी14- सी15-सी16-सी17-सी18-सी19-सी20- सी21-सी22-सी23-सी24-सी25-सी26- सी27-सी28-सी29-सी30-सी31-सी32- सी33-सी34-सी35-सी36-सी37-सी38- सी39-सी40-सी41-सी42-सी43-सी1.	-	रेखा बिन्दु 'सी1' से आरंभ होकर बिन्दु सी2, सी3, सी4, सी5, सी6, सी7, सी8, सी9, सी10, सी11, सी12, सी13, सी14, सी15, सी16, सी17, सी18, सी19, सी20, सी21, सी22, सी23, सी24, सी25, सी26, सी27, सी28, सी29, सी30, सी31, सी32, सी33, सी34, सी35, सी36, सी37, सी38, सी39, सी40, सी41, सी42 और सी43 से गुजरते हुए आरंभिक बिन्दु 'सी1' पर मिलती है।

[फा. सं. 43015/04/2021-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

MINISTRY OF COAL

New Delhi, the 5th July, 2021

S.O. 426.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And, whereas, the plan bearing number Rev/01/2021, dated the 6th May, 2021 containing details of the areas of land described in the said Schedule may be inspected at the office of the Central Coalfields Limited (Land and Revenue Department), Darbhanga House, Ranchi- 834029 (Jharkhand) or at the office of the General Manager, Central Coalfields Limited, Argada Area, District Hazaribagh (Jharkhand) or at the office of the Deputy commissioner, District Hazaribagh (Jharkhand) or at the office of the General Manager (Exploration Division), RI-III, Central Mine Planning and Design Institute, Gondwana Palace, Kanke Road, Ranchi (Jharkhand) or at the office of the Coal Controller, 1, Council House Street, Kolkata- 700 001;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal in land described in the said Schedule.

Any person interested in the land described in the above mentioned Schedule may --

- (i) object to the acquisition of the whole or any part of the land or of any rights in or over the said land; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act; or
- (iii) claim compensation under sub-section (1) of section 13 of the said Act in respect of prospecting license ceasing to have effect or under sub-section (4) of section 13 of the said Act, for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act,

to the office of the General Manager, Central Coalfields Limited, Argada Area, District Hazaribagh (Jharkhand) or General Manager, Central Coalfields Limited, Land and Revenue Department, Darbhanga House, Ranchi-834029 (Jharkhand) within a period of ninety days from the date of publication of this notification.

SCHEDULE

GIDI 'C' OCP

DISTRICT- HAZARIBAGH (JHARKHAND)

[Plan bearing number REV/01/2021, dated the 6th May, 2021]

Block	Village	Thana number	Circle	District	Area under acquisition		Remarks
					In acres	In hectares	
A	Dari	43	Dari	Hazaribagh	87.51	35.41	Part
B	Dari	43	Dari	Hazaribagh	0.32	0.0.13	Part
C	Dari	43	Dari	Hazaribagh	18.14	7.34	Part
Total area to be acquired (A+B+C) :					105.97 acres (approximatively)	42.88 hectares (approximatively)	

Boundary Description:

Boundary Line	Boundary Description
A1-A2-A3-A4-A5-A6-A1	- Line starts from point 'A1' and passes through points A2, A3, A4, A5 and A6 and meets at starting point 'A1'.
B1-B2-B3-B4-B5-B6-B7-B1	- Line starts from point 'B1' and passes through points B2, B3, B4, B5, B6 and B7 and meets at starting point 'B1'.
C1-C2-C3-C4-C5-C6-C7-C8-C9-C10-C11-C12-C13-C14-C15-C16-C17-C18-C19-C20-C21-C22-C23-C24-C25-C26-C27-C28-C29-C30-C31-C32-C33-C34-C35-C36-C37-C38-C39-C40-C41-C42-C43-C1.	- Line starts from point 'C1' and passes through points C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C29, C30, C31, C32, C33, C34, C35, C36, C37, C38, C39, C40, C41, C42 and C43 and meets at starting point 'C1'.

[F. No. 43015/04/2021-LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

संस्कृति मंत्रालय

नई दिल्ली, 5 जुलाई, 2021

का.आ. 427.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में संस्कृति मंत्रालय के संबद्ध कार्यालय भारतीय पुरातत्व सर्वेक्षण के अधीनस्थ कार्यालयों को जिसमें 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है जिनका ब्यौरा निम्नानुसार है: -

1. अधीक्षण पुरातत्वविद, भारतीय पुरातत्व सर्वेक्षण, प्रागतिहास शाखा, नागपुर।
2. उप अधीक्षण पुरातत्व रसायनज्ञ का कार्यालय, विज्ञान शाखा, संरक्षण अनुसंधान प्रयोगशाला, अजंता गुफाएं, डॉ. बाबा साहेब आंबेडकर विद्यापीठ परिसर, औरंगाबाद।
3. अधीक्षण पुरातत्व रसायनज्ञ का कार्यालय, उत्तरी क्षेत्र, 63/4, केंद्रालय, संजय प्लेस, आगरा (उत्तर प्रदेश)।
4. उप अधीक्षण पुरातत्व रसायनज्ञ का कार्यालय, विज्ञान शाखा, पटना क्षेत्र, पटना (बिहार)।
5. उप अधीक्षण पुरातत्व रसायनज्ञ का कार्यालय, पश्चिमी खंड, डॉ. बाबा साहेब आंबेडकर विद्यापीठ परिसर, औरंगाबाद।

यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[फा. सं. ई-13016/1/2019- हिंदी]

संजुक्ता मुदगल, संयुक्त सचिव

MINISTRY OF CULTURE

New Delhi, the 5th July, 2021

S.O. 427.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Govt. hereby notifies the following subordinate offices of Archaeological Survey of India an attached office of Ministry of Culture wherein more than 80% officers/staff have acquired the working knowledge of Hindi. Details are given as below:-

1. Superintending Archaeologist, Archaeological Survey of India, Prehistory Branch, Nagpur-440006.
2. Office of the Dy. Superintending Archaeological Chemist, Science Branch, Conservation Research Laboratory, Ajanta Caves, Dr. Baba Saheb Ambedkar Marathvada University Complex, Aurangabad.
3. Office of the Superintending Archaeological Chemist, Northern Zone, 63/4, Kendralaya, Sanjay Place, Agra (U.P).
4. Office of the Dy. Superintending Archaeological Chemist, Science Branch, Patna Zone, Patna (Bihar).
5. Office of the Dy. Superintending Archaeological Chemist, Western Zone, Dr. Baba Saheb Ambedkar Marathvada University Complex, Aurangabad.

This notification shall come into force from the date of publication in the Official Gazette.

[F. No. E-13016/1/2019-Hindi]

SANJUKTA MUDGAL, Jt. Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 5 जुलाई, 2021

का.आ. 428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 179/2019) को प्रकाशित करती है।

[सं. एल-12011/69/2019-आई आर (बी-1)]

डी. गुहा, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th July, 2021

S.O. 428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 179/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/69/2019-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD****Present:** Radha Mohan Chaturvedi, Presiding OfficerDated 17th March, 2021**Reference (CGITA) No. - 179/2019**

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveranagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/69/2019-IR (B-I) dated 13.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Smt. Kailashben Shankarbai Senva, part

time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Smt. Kailashben Shankarbhai Senva, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?"

1. The same reference was received in this Tribunal on 27th December 2019. The Ministry had directed the party raising the dispute to file her statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute her claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering "no dispute" between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 165/2019) को प्रकाशित करती है।

[सं. एल-12011/47/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.165/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/47/2019-IR (B-1)]

D. GUHA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Radha Mohan Chaturvedi, Presiding Officer

Dated 17th March, 2021

Reference (CGITA) No. - 165/2019

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveranagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/47/2019-IR (B-I) dated 05.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Bharat Udhabhai Gohel, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Bharat Udhabhai Gohel, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 16th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 175/2019) को प्रकाशित करती है।

[सं. एल-12011/62/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 175/2019) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court* Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/62/2019-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Radha Mohan Chaturvedi, Presiding Officer
Dated 17th March, 2021

Reference (CGITA) No. - 175/2019

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveri Nagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/62/2019-IR (B-I) dated 16.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Praful Babubhai Vaghela, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Praful Babubhai Vaghela, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 27th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 160/2019) को प्रकाशित करती है।

[सं. एल-12011/49/2019-आईआर (बी-1)]

डी. गुहा अवर सचिव

New Delhi, the 5th July, 2021

S.O. 431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 160/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/49/2019-IR (B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD****Present :** Radha Mohan Chaturvedi, Presiding OfficerDated 17th March, 2021**Reference (CGITA) No. - 160/2019**

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

..First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveranagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/49/2019-IR (B-I) dated 10.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s. Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Akshay Mahendrabhai Vaghela, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Akshay Mahendrabhai Vaghela, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 16th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.

2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.

3. It is therefore just & proper to pass an award considering “no dispute” between the parties.

4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 432.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 158/2019) को प्रकाशित करती है।

[सं. एल-12011/42/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.158/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/42/2019-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Radha Mohan Chaturvedi, Presiding Officer

Dated 17th March, 2021

Reference (CGITA) No. - 158/2019

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor, M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveranagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/42/2019-IR (B-I) dated 10.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Ketan Manubhai Solanki, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Ketan Manubhai Solanki, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 16th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 177/2019) को प्रकाशित करती है।

[सं. एल-12011/67/2019-आई आर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 177/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/67/2019-IR (B-1)]

D. GUHA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Radha Mohan Chaturvedi, Presiding Officer

Dated 17th March, 2021

Reference (CGITA) No. - 177/2019

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001

(2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaver Nagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/67/2019-IR (B-I) dated 13.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Smt. Sanjuben Maganlal Daka, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Smt. Sanjuben Maganlal Daka, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 27th December 2019. The Ministry had directed the party raising the dispute to file her statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute her claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 434.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 163/2019) को प्रकाशित करती है।

[सं. एल-12011/45/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 163/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/45/2019-IR (B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AHMEDABAD****Present :**Radha Mohan Chaturvedi, Presiding OfficerDated 17th March, 2021**Reference (CGITA) No. - 163/2019**

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zavernagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/45/2019-IR (B-I) dated 05.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Mukesh Mangabhai Solanki, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Mukesh Mangabhai Solanki, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 16th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.

2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.

3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 178/2019) को प्रकाशित करती है।

[स. एल-12011/68/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 178/2019) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/68/2019-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Radha Mohan Chaturvedi, Presiding Officer

Dated 17th March, 2021

Reference (CGITA) No. - 178/2019

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveri Nagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/68/2019-IR (B-I) dated 13.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Smt. Sushilaben Shankarbhai Senva, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Smt. Sushilaben Shankarbhai Senva, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 27th December 2019. The Ministry had directed the party raising the dispute to file her statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute her claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 436.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 156/2019) को प्रकाशित करती है।

[स. एल-12011/41/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 156/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 12.04.2021.

[No. L-12011/41/2019-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Radha Mohan Chaturvedi, Presiding Officer

Dated 17th March, 2021

Reference (CGITA) No. - 156/2019

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001

- (2) The Proprietor, M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zavernagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/41/2019-IR (B-I) dated 10.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Nikhil Kamleshbhai Solanki, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Nikhil Kamleshbhai Solanki, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 16th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जुलाई, 2021

का.आ. 437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 167/2019) को प्रकाशित करती है।

[सं. एल-12011/51/2019-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 5th July, 2021

S.O. 437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 167/2019) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/51/2019-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :** Radha Mohan Chaturvedi, Presiding OfficerDated 17th March, 2021**Reference (CGITA) No. - 167/2019**

- (1) The Chief General Manager,
State Bank of India, Local Head Office,
8th Floor, Lal Darwaja,
Ahmedabad (Gujarat) - 380001
- (2) The Proprietor,
M/s. Hardik Constructions,
M-177/2114, Surya Apartment, Opposite Medical Complex,
Sola Road, Naranpura,
Ahmedabad (Gujarat) - 380054

...First Parties

V/s

The National General Secretary,
Akhil Bharatiya Safai Mazdoor Sangh,
F-1/F-10, Zaveranagar Society, Harni Varsiya Road,
Vadodara (Gujarat) - 390022

...Second Party

Present: None on behalf of Claimant(s)**AWARD**

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-12011/51/2019-IR (B-I) dated 05.12.2019 for adjudication to this Tribunal.

SCHEDULE

“Whether the dispute raised by Akhil Bharatiya Safai Mazdoor Sangh, Vadodara against the management of State Bank of India, LHO, Ahmedabad and their contractor, M/s Hardik Constructions, Ahmedabad over alleged illegal termination of services of Shri Sanhay Jitendrabhai Vaghela, part time sweeper and demand for reinstatement in services with back wages w.e.f. 25.07.2018 is legal, just & proper? If so, to what relief the concerned workman, Shri Sanhay Jitendrabhai Vaghela, part time sweeper is entitled to and from which date and what other directions are necessary in the matter?”

1. The same reference was received in this Tribunal on 16th December 2019. The Ministry had directed the party raising the dispute to file his statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants. A period of more than a year has been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry. It is worthwhile mentioning that this reference is prior to spread of COVID-19 pandemic and adversities of lockdown.
2. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute his claim or the said dispute is no more in existence.
3. It is therefore just & proper to pass an award considering “no dispute” between the parties.
4. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2021

का.आ. 438.—राष्ट्रपति, श्री पुर्णेन्दु कुमार श्रीवास्तव, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, जबलपुर को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, भुवनेश्वर के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 25.06.2021 से छः माह तक की अवधि अथवा पद पर नियुक्ति तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक बढ़ाते हैं।

[सं. अ-11016/05/2020-सीएलएस-II]

सतीश चन्द्र, अवर सचिव

New Delhi, the 6th July, 2021

S.O. 438.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar entrusted to Shri Purnendu Kumar Srivastava, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jabalpur for a period of six months with effect from 25.06.2020 or till the regular appointment to the post, or until further orders, whichever is the earliest.

[No. A-11016/05/2020-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली, 6 जुलाई, 2021

का.आ. 439.—राष्ट्रपति, श्री वी. विजया कुमार, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, एर्नाकुलम को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, हैदराबाद के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 27.07.2021 से छः माह तक की अवधि अथवा नियमित पदाधिकारी की नियुक्ति तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक बढ़ाते हैं।

[सं. अ-11016/05/2020-सीएलएस-II]

सतीश चन्द्र, अवर सचिव

New Delhi, the 6th July, 2021

S.O. 439.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Hyderabad entrusted to Shri V. Vijay Kumar, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Ernakulam for a period of six months with effect from 27.07.2021 or till the appointment of the regular incumbent or until further orders, whichever is the earliest.

[No. A-11016/05/2020-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली, 6 जुलाई, 2021

का.आ. 440.—राष्ट्रपति, श्रीमती दीप्ती मोहपात्रा, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, चेन्नई को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, बैंगलोर के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 27.07.2021 से छः माह तक की अवधि अथवा नियमित पदाधिकारी की नियुक्ति तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक बढ़ाते हैं।

[सं. अ-11016/05/2020-सीएलएस-II]

सतीश चन्द्र, अवर सचिव

New Delhi, the 6th July, 2021

S.O. 440.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Bangalore to Smt. Dipti Mohapatra, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai for a period of six months with effect from 27.07.2021 or till the appointment of a regular incumbent or until further orders, whichever is the earliest.

[No. A-11016/05/2020-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली, 8 जुलाई, 2021

का.आ. 441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 264/97 और M-05/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.07.2021 प्राप्त हुआ था।

[सं. एल-12012/122/96-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 8th July, 2021

S.O. 441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 264/97 & M 05/2004) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court* Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 08.07.2021.

[No. L-12012/122/96- IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/264/97****Present:** P. K. Srivastava, H.J.S..(Retd)

Shri Daulatram Raikwar
S/o late Shri Kesiram Raikwar
Behind Rai Bhawan,
P.O. Silwarni, District Raisen (MP)

... Workman

Versus

The General Manager
State Bank of India
Bhopal (M.P.)

... Management

AND**Case No. CGIT/LC-M-05-2004**

Assistant General Manager
State Bank of India
Bhopal

... Appellant

Versus

Daulatram Raikwar
S/o Late Shri Kesiram Raikwar
Behind Rai Bhawan,
Silwarni, District Raisen (MP)

... Respondent

AWARD**(Passed on this 30th June-2021)**

As per letter dated 4/9/97 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L 12012/122/96-IR(B). The dispute under reference relates to:

“Kya bharatiya State Bank ka Sh. Daulatram Raikwar ko unke pita ke sthan par anukamppa neyukti dekar aur dinank 1-1-91 se 22-8-94 takaaa naukri karwakar anuchit dhang se bina kесе inquiry, retrenchment, compensation aadi ke naukri se nikal dena, nyayuchhit hai. Yadi Nahi to karmkar kes reyat ke haqdar hain? .”

1. After registering the case on the basis of reference, notices were sent to the parties.
2. The case of the workman as stated in his statement of claim is that since 1982 he was appointed as waterman and worked continuously since 1990 as a daily wager. He was paid on monthly basis. After the retirement of his father later Kesriram who was a waterman in the said Branch of the Management Bank, the workman was appointed as regular waterman/messenger on regular pay scale and other benefits on 31-12-1990. He worked in that position till 22-8-1994, when his services were terminated by an oral order of the Management without paying him any compensation or notice salary. It was further alleged in the claim that he used to work from 10 a.m. to 6 p.m. sometimes up to 7 p.m. and when he refused to do the personal work of the then Branch Manager, his services were dis-engaged which is against law. He is not in employment from the date of his dis-engagement, hence his dis-engagement is against law. Accordingly, it has been prayed that he be reinstated with all consequential benefits, setting aside his dis-engagement.
3. The case of Management in its written statement of defense is mainly that the workman was engaged by the Branch Manager of the Management Bank for filling up of drinking water in the Branch, whenever required. He never remained in continuous service, rather his services were taken on the exigency of work. The number of days, he was engaged in the Bank from 1982 to 1993 have been elaborated in the paragraph(2) of the statement of defense, which goes to show that in the last year i.e. from 1-1-1993 to 20-8-1993 he worked only for 20 days. Accordingly, it is the case of the Management that the workman never worked continuously for 240 days in any calendar year. He did not make himself available for work w.e.f 21-8-1993, hence dis-engagement of his services does not arise because, he abandoned his engagement on his own. The Management further denied that the father of the workman was an employee for the Branch and pleaded that his father was also a daily wager, hence there was no question for appointment of the workman on compassionate grounds. Accordingly, it has been claimed that the dis-engagement of the workman is not against Section 25F of Industrial Disputes Act, 1947. The Management has further denied that the workman was dis-engaged on 22-8-1994. Accordingly it has been prayed that the reference be answered against the workman.
4. In evidence, the workman examined himself on oath. The Management has also examined its witness on oath. The workman has filed and proved Exhibit W-1 which is letter dated 24-12-1990 written by the Branch Manager to the Regional Officer, regarding the engagement of the workman.
5. It is worth mentioning that the case proceeded ex-parte against the Management. An ex-parte Award dated 23-5-2008 was passed by my learned Predecessor which was set aside on the application of the Management Bank and it is thereafter, the Management filed its written statement of defense and examined its witness. The Management has filed no documentary evidence.
6. I have heard the arguments of Shri Arun Patel, learned counsel for workman and Shri Ashish Shrotri, learned counsel for the Management. Management has filed a memorandum of argument also which is on record.
7. Learned Counsel for workman has relied on following case laws:-
8. **Director Fisheries Terminal Division Vs. Bhikubhai Meghajibhai Chavda**, AIR(2010) SCC 1236 wherein it is held:-

“Continuous service of 240 days – Burden of proof- workman hired on daily wage basis, hence he would have difficulty in having access to all official documents, muster rolls etc. when workman claimed and deposed that he worked for 240 days- the burden of proof shifts to employer to prove that he did not complete 240 days of service in the required period to constitute continuous service.”
9. In **Gauri Shanker Vs. State of Rajasthan**(2016) 1 SCC 546, when muster rolls were not produced by the employer, it was held that :-

“Adverse inference, held, rightly drawn against the Management.”
10. In the case of **District Development Officer & another Vs. Satish Kantilal Amrelia**(2018)2 SCC 276, it was held:-

“that the workman was a daily wager for a tenure of two and a half years-the compensation amounting to Rs.2,50,000, in full and final satisfaction of his claim of reinstatement and other consequential benefits was held proved.”
11. The Management has relied on following case laws:-

Municipal Council, Sujapur Vs. Surinder Kumar (2006) 5 SCC 173 held that :-

“If the post is not a sanctioned, appointment therein would be illegal and the onus to prove that the workman was gainfully employed is on the workman. Further held that the onus to prove completion of requisite statutory period is on workman and not on the Management.”

12. In **State of M.P. Vs. Arjunlal Rajak**(2006) 2 SCC 711 it was held that :-

“When the dis-engagement is held against law, it will not result in automatic reinstatement. Further held that it may be appropriate to grant compensation in lieu of reinstatement in certain cases.”

13. It is to further mention here that the workman had filed an application seeking direction to the Management to produce the documents namely viz payment voucher and muster roll. This application was allowed vide order dated 4-2-2019 and Management was directed to produce the documents or file affidavit, if the documents were not available. The Management did not file documents nor did they file any affidavit, that these documents were not available.

14. After having perused the record in the light of the rival arguments, following points come up for determination in the case in hand:-

1. “Whether the dis-engagement of the workman on 22-8-1994 is justified in law?”

2. “Whether the workman is entitled to any relief?”

15. **ISSUE NO.1:-**

2[(oo) “retrenchment” means the termination by the employer of the service of a workman for any any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include— (a) voluntary retirement of the workman; or (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf;

Section 25 B:-

Definition of continuous service.-

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and (ii) two hundred and forty days, in any other case; (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) ninety-five days, in the case of a workman employed below ground in a mine; and (ii) one hundred and twenty days, in any other case.

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice: 1[***] (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of continuous service] or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government 3[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

25G. Procedure for retrenchment.- Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

25H. Re-employment of retrenched workmen.- Where any workmen are retrenched and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity 2[to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen] who offer themselves for re-employment shall have preference over other persons.

No documents have been filed by any of the parties in support/rebuttal of claim. There is only on record statement of the workman and of the Management witness on oath. On this point the workman has stated in its statement of oath that he was engaged on compassionate ground after the death of his father as a waterman on 31-12-1990 and remained in engagement till 22-8-1994 when he was dis-engaged under an oral order, without any notice or compensation. The Management witness has denied the engagement of the workman till 22-8-1994 rather has stated that he was engaged as a daily wager. His father was also a daily wager, hence there was no question of his appointment on compassionate basis. He worked till 20-8-1993 and left on his own, hence there is no question of his dis-engagement. It was also stated that he worked only for a period of 20 days in the year 1-1-1993 to 20-8-1993, hence the point which arises for consideration is whether the workman was engaged till 22-8-1994 as claimed by the workman or till 20-8-1993 as claimed by the Management.

16. As has been stated earlier, there is no documentary evidence in respect of claim/rebuttal. The Management witness has stated in his cross-examination that there is no document available with the Branch regarding the engagement of the workman. He was not posted in the Branch. The Bank Manager posted during that period can only tell us as the exact period when the workman had worked in the Branch. He has denied that the Management has deliberately withheld the documents.

17. On the other hand the workman has reiterated his claim in his statement on oath and there is nothing significant in his cross-examination to dis-credit him on this point.

18. As observed by Hon'ble Apex Court in the case of Director Fisheries Terminal Division (supra) and Gauri Shankar (Supra), when the workman has stated on oath his continuous engagement for 240 days in the year preceding the date of his dis-engagement, the burden shifts on Management to disapprove it and accordingly in the case of Municipal Council, Sujampur (Supra) referred to by learned counsel for Management is of no help to Management, hence the continuous engagement of the workman for period of 240 days as daily wager, in the year preceding the date of his dis-engagement is held proved. It is not disputed that no notice or compensation was given to the workman, hence his dis-engagement is held in violation of Section 25G and 25F of the Industrial Disputes Act, 1947. **Issue No. 1 is answered accordingly.**

19. **ISSUE NO. 2:-**

As the dis-engagement of the workman has been against law, the question arises as to what relief the workman is entitled to. Learned Counsel has relied on the case of **Deepali Gundu Suwase Vs. Kranti Junior Adhyapad Mahavidyalaya** (2013) 10 SCC 324 (2013) (6) SLR 642 (SC) broad principles in this respect were laid down by the Hon'ble Apex Court which are as follows:-

“38. The propositions which can be culled out from the aforementioned judgments are :

38.1. In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

38.2. The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the Court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

38.3. Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/ workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.

38.4. The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11- A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/ workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charges then there will be ample justification for award of full back wages.

38.5. The cases in which the competent Court or Tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the concerned Court or Tribunal will be fully justified in directing payment of full back wages. In such cases, the superior Court should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc., merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The Courts must always be kept in view that in the cases of wrongful/illegal termination of service, the wrong doer is the employer and sufferer is the employee/workman and there is justification to give premium to, the employer of his wrong doings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

38.6 In a number of cases, the superior Courts have interfered with the award of the primary adjudicatory authority on the premise that finalization of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The Courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer, i.e., the employee or workman, who can ill afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases, it would be prudent to adopt the course suggested in *Hindustan Tin works Private Limited V. Employees of Hindustan Tin Works Private Limited* (supra).

38.7 The observation made in *J.K. Synthetics Ltd. V. K.P. Agrawal* (supra) that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three Judge Benches referred to here-in-above and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman.

Furthermore, in *Tapash Kumar Paul V. BSNL* (2014) 4 SCR 875 :[2014(6) SLR 538 (SC)], it is held :-

“Therefore, in the light of the decision of this Court in *Deepali Gundu's* case (supra) which has correctly relied upon higher bench decisions of this Court in *Surendra Kumar Verma's* case (supra) and *Hindustan Tin Works Pvt. Ltd.* (supra), I am of the opinion that the appellant herein is entitled to reinstatement with full back wages since in the absence of full back wages, the employee will be distressed and will suffer punishment for no fault of his own.”

20. In the case in hand, 27 years have elapsed since the dis-engagement of the workman. He was not appointed against regular vacancy. He was simply a daily wager and no rules were followed in his appointment. These facts dis-entitle him for reinstatement. Keeping in view the fact that the dispute arose in the year 1997 and sent for adjudication and since then pending at various level and the workman has been dragged in litigation since the year 1997 and also that he has stated on oath that he was not in regular employment after his dis-engagement, a lump sum compensation as full and final settlement of his claims including cost of litigation of Rs.1,00,000/-(Rupees One lakh only) will meet the ends of justice in my view.

21. Accordingly, he is held entitled to compensation of lump sum of Rs.1,00,000/-(Rupees One lakh only) as full and final settlement of his claims including cost of litigation. **Accordingly Issue No. 2 is answered.**

22. On the basis of the above discussion, following award is passed:-

A. The action of the Management in dis-engaging the services of Shri Daulatram Raikwar is held unjustified in law and fact.

B. The workman is held entitled to compensation of lump sum of Rs.1,00,000/-(Rupees One lakh only) as full and final settlement of his claims including cost of litigation.

23. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 30.6.2021

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2021

का.आ. 442.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 16/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.07.2021 प्राप्त हुआ था।

[सं. एल-12012/204/2004-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 8th July, 2021

S.O. 442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 08.07.2021.

[No. L-12012/204/2004-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/16/2015

Present: P. K. Srivastava, H.J.S..(Retd)

Shri Ramgopal Tharu,
S/o Shri Nanhelal tharu
Behind Urdu School, Gopalganj,
Sagar (M.P.)

... Workman

Versus

The Assistant General Manager
State Bank of India
Divisional Office, Moti Market,
Jayendraganj (MP)
Gwalior (MP)

...Management

AWARD

(Passed on this 28th day of June-2021)

As per letter dated 12/1/2005 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No.L-12012/204/2004-IR(B-1). The dispute under reference relates to:

“Whether the action of the management of State Bank of India in terminating the services of Sh. Ram Gopal Gharu, who claimed to have worked during 1.11.1987 to 28-2-2003 as temporary part time Safai Karamchari is legal and justified? If not, what relief is the disputant concerned entitled to?”.

1. After registering the case on the basis of reference, notices were sent to the parties.
2. The case of the workman as stated in his statement of claim is that the applicant was appointed in the Gopalganj Branch of Sagar District of the Management Bank as from 1/11/1987 till 28/2/2003 when his services were terminated for no vacancy available, after paying retrenched compensation amount Rs.8340/- and one month pay towards notice period amounting to Rs.2135/- in spite of the fact that there was a clear vacancy in the Bank, hence the services were terminated arbitrarily without paying other retiral dues like gratuity, provident fund etc. The workman approached the Management for his reinstatement but it was not considered, thereafter he raised dispute before the Assistant Labour Commissioner, Jabalpur. After failure of conciliation, a report

was sent to the Ministry of Labour and thereafter the reference has been sent to this Tribunal for adjudication. The workman has accordingly prayed for his reinstatement with consequential benefits.

3. The case of Management in its written statement of defence is that the workman was a daily wager on contractual basis, engaged as part time sweeper in the Branch within the period as stated by the workman. He was not a regular employee of the Bank, appointed according to the existing Rules. His engagement was for a short time on daily basis on the availability of work. He was not required to report on the next day. It was further pleaded that the Second Party Management has an elaborate selection procedure evolved out of the agreement entered into between the State Bank of India and All India State Bank of India Staff Federation being the Federation of the State Bank of India Employees' Association, which provided an opportunity for giving chance to the temporary/casual workers for consideration for permanent appointment in the Bank's service. The Provisions of various agreements i.e. 17-11-1987, 16-7-1988, 28-10-1988 and 9-1-1991 were made between the Management and All Indian State Bank of India Staff Federation. According to these settlements, the interview of those employees who were discontinued after 1-7-1975 or working in the Bank upto 31-7-1988 have been conducted by the Bank and a panel of selected candidates was prepared by the Bank in accordance with the settlement prescribed here in above. Previously, the temporary employees who had completed the minimum prescribed period of service, during the period from 1-7-1975 to 31-7-1988, were considered. In consultation of the Management with the All India State Bank of India Staff Federation, the said period was extended from 31-7-1988 to 14-8-1991. Accordingly, the eligible daily wagers, casual employees who had completed the required minimum service during the period from 1-7-1975 to 14-8-1991 were to be given chance for permanent employment in the services of the Bank. The Second party Management accordingly advertised in the newspapers for furnishing application on the prescribed formats for such a daily rated employees/casual workers who have worked for the stipulated period as provided under the settlement during the period with effect from 31-7-1988 to 14-8-1991.

4. Since the workman never applied for consideration of permanent employment of the Branch in pursuance to the advertisement, he was not regularized and was retrenched after notice and paying compensation. According to the Management, the reference is required to be answered against the workman.

5. The workman has filed his rejoinder, wherein he has mainly reiterated his pleadings.

6. In evidence, the workman has filed and proved letter of bank increasing his daily wage, retrenchment notice, cheque of compensation Exhibits W-1, W-2 and W-3 respectively. The workman has also examined himself on oath and has been cross-examined by Management.

7. The Management has not filed any documents and has examined its witness Mahesh Kumar Sahu and Mukesh Kumar Gupta on oath. Opportunity of cross examination of these two witness were given to workman but were not availed, hence the opportunity has been closed by my learned Predecessor. At the stage of argument also the workman did not appear hence, the arguments of learned counsel for the Management Shri Ashish Shrotri were heard. He has also filed written argument which is on record. I have perused the written arguments as well as the record.

8. **The Reference is the point for determination in the case in hand.**

9. As regards the retrenchment/dis-engagement of the workman, this cannot be faulted in law because due notice was given to him and compensation as well as notice payment was also given to him are proved by the documents Exhibits W-1 to W-3 filed by workman himself. The case of the workman is that he was not absorbed on the post of sweeper for which he was engaged, inspite of the fact that there was a clear vacancy. According to the Management, there is a set procedure for appointment given in the various Bi-Partite-Settlement as mentioned in the written statement of defence(paragraph-04). It is further stated in the pleadings and in the evidence of Management that the workman did not avail the opportunity by filing an application and joining the selection process. Admitted by the workman is the fact that he was only a daily wager when he was engaged and was not engaged following any Selection Procedure. In the case of **Secretary of State of Karnataka and Others Vs. Umadevi and Others ,AIR(2006) SC 1806** of five Judges Bench of the Hon'ble Apex Court had held "that appointment dehors due process of selection envisaged by constitutional scheme

confers no right on appointee". Hence in the light of aforesaid circumstances and proved facts, it can be safely held that the action of Management of State Bank of India in terminating the services of workman are legally justified. Hence the workman is held entitled to no relief.

10. On the basis of the above discussion, following award is passed:-

A. The action of the management of State Bank of India in terminating the services of Sh. Ram Gopal Gharu, who claimed to have worked during 1.11.1987 to 28-2-2003 as temporary part time Safai Karamchari is justified in law.

B. The workman is held entitled to no relief.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 28.6.2021

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2021

का.आ. 443.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 दिल्ली के पंचाट (संदर्भ संख्या 02/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.07.2021 प्राप्त हुआ था।

[सं. एल-12012/57/2004-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 8th July, 2021

S.O. 443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court-II*, Delhi as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 08.07.2021.

[No. L-12012/57/2014-IR(B-1)]

D. GUHA, Under Secy.

ANEXXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 02/2015

Date of Passing Award- 16th June, 2021

Between:

Shri Ram Nath,
S/o Shri Sumeri,
at-PO- Mirzapur, Tehsil- Behat,
Distt. Saharanpur, UP.

... Workman

Versus

The State Bank of India,
Mirzapur Branch,
Distt. Saharanpur, UP

...Management

Appearances:-

Shri Satish Kumar Sharma (A/R) : For the Workman.

Jaya Tomar (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of State Bank of India, Mirzapur Branch, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 *vide* letter No. L-12012/57/2014 (IR(B-I) dated 12/12/2014 to this tribunal for adjudication to the following effect.

“Whether the management of SBI is wrong in denying the continuation of Shri Ram Nath’s service and done against the provisions of law? If so, what remedies lies with the workman and what specific steps should be taken by the SBI management to reinstate him with specific benefits?”

The claimant in his claim statement has stated that his father was a permanent employee of the Bank and working as a sweeper. After father’s death the claimant was appointed as a sweeper w.e.f 1.5.98 and worked continuously till the year 2013, when his service was illegally terminated by the Management. During this period he had worked continuously for 240 days and more in each calendar year. Initially the bank was paying him wage @Rs 20/- per day and subsequently the same was increased. At the time of termination of his service in the year 2013, his wage per day was Rs 120/-.the Management Bank has a policy for regularizing the service of daily rated workmen which was circulated to the branches of the Bank asking the Branch manager to furnish the details of such workers. One such circular of the Management was communicated to the Branch and in response to the same the manager of SBI, Mirzapur Branch, where the claimant was working, had sent the case of the claimant for regularization of his service. Not only that, on subsequent dates also the Branch Manager had recommended his name for regularization of his service along with twenty others and the name of the claimant was at serial no 1. But no action was taken by the Management in this regard. Suddenly the management stopped disbursing his salary w.e.f 1.11.12. But the claimant continued to work as earlier and on 19.2.2013, submitted a representation for payment of his wages against the work done. The Bank Management in their letter dt 8.4.2013 informed him that he was never appointed by the Bank for service and thus, no wage is payable to him w.e.f December 2012. The Bank thereafter discontinued his service w.e.f 8.4.13, which amounts to illegal termination since the procedure laid down under the ID Act was not followed before the termination. No seniority list was displayed nor any notice for termination was served on him nor any retrenchment compensation was paid in gross violation of the provisions of sec 25G and 25 H of the ID Act. It has further been stated by the claimant that the Bank was making him to work eight hours a day during which besides doing the job for cleaning and sweeping, he was attending other works as directed by the staff of the Bank. He was also accompanying the Bank staff to the field during the recovery actions taken. An Identity card was also issued to him as any other staff of the Bank. Having failed in his attempt for redressal of grievance, he had raised a dispute before the Labour Commissioner, where steps taken for conciliation failed too and the appropriate Govt referred the dispute for adjudication in terms of the reference.

With such pleading the claimant has prayed for reinstatement into service with continuity of service for the intervening period and back wages at the appropriate rate from the initial date of engagement together with any other relief as this Tribunal would deem fit.

The Management Bank filed a written statement denying all the stand taken by the claimant. It states that the claimant is not a workman and there exists no employer and employee relationship between the Bank and the claimant. The claimant was engaged as a sweeper on daily wage basis after his father’s death and was paid the wage through vouchers only. SBI is a public sector Bank having its own procedure for recruitment. No appointment letter was ever issued to him nor he was appointed against any clear vacancy. Any person appointed in the Bank following due procedure is given an appointment letter and PF No. Salary is being paid through Bank account and salary slip is issued for every month. It has also been stated that the ID Card filed by the claimant was at the Branch level only to facilitate his entry into the Bank premises to carry out the sweeping work. to the written statement The claimant had never worked for 240 days in the calendar year as claimed by him. No attendance Register is maintained for the daily wage workers and the claimant is put to strict proof of his claim of working for 240 days in a calendar month. The Branch Manager of the Bank had never recommended the case of the claimant to the Head Office recommending for his appointment against regular vacancy. Furthermore the Management has stated that a policy decision was taken at higher level for engagement of sweepers through contractors and as a result of which the engagement of the claimant on daily wage basis was discontinued. No unfair labour practice was ever adopted by the Bank as the claimant was never its employee. Thus there was no need for giving retrenchment notice or retrenchment compensation. Thereby the management has prayed for dismissal of the claim petition.

On these rival pleadings the following issues were framed by order dt 22.12.2015, for adjudication.

ISSUES

1. Whether the Management of SBI is wrong in denying the continuation of Sh Ram Nath's service and done against the provision of Law? If so it's effect.
2. Whether there exists employer and employee relationship between the Management and the claimant? It's effect.
3. To what relief the workman is entitled to and from which date? And what direction to the management if any.

Before commencement of the hearing the claimant had filed an application u/s 11(3) of the ID Act calling upon the management for production of original documents from the custody of the Bank which included the original payment vouchers, letter dated 20.9.2003, letter dated 1.6.2005, letter dated 17.5.2005 by the GM to the branches of the Bank with respect to appointment of sweepers and several other letter communications in this regard etc. but the Management Bank denied production of the documents on the ground that the documents being very old are not traceable. Other documents were destroyed during the heavy rain when water entered into the branch. Rest of the documents were also lost during shifting of the Branch. Thus this Tribunal by ordered dt 18.10.2016, permitted the claimant to adduce secondary evidence of the documents.

The claimant examined himself as WW1 and also proved the photocopies of the documents marked in a series of Ext WW1/1 TO WW1/13. Similarly, the management examined it's Attorney holder Prasant ku Agarwal as MW 1 who also proved the circular containing the procedure of appointment of the Bank and a letter from the Branch Manager who had issued the identity card to the claimant to say that the same was issued to a daily wager for the specific purpose of facilitating entry into the Bank premises for sweeping. The documents have been marked as Ext MW 1/1 and MW 1/2. Both the witnesses were cross examined at length by their adversaries.

At the outset the learned AR for the management submitted that the entire claim is based upon a misconception of fact that the claimant was an employee of the Bank and his service was illegally terminated. Relying upon several judicial pronouncements, she submitted that the burden lies heavily on the claimant to prove the employer and employee relationship between the parties, which the claimant has failed to discharge in this proceeding. On the contrary, the claimant who was working as a daily wager has claimed reinstatement with back wages like a permanent employee. Relying on the judgments of the Hon'ble SC in the case of **Secretary State of Karnatak VS. Umadevi and others (2006) SCC (L&S)753** and in the case of **Hari Nandan Prasad VS Employer I/R to Food Corporation of India(2014) 7 SCC 190**, she submitted that SBI is a public sector Bank having it's own procedure of recruitment and regularization or reinstatement would be illegal and in violation of article 14 of the constitution. She also submitted that the Apex court in the case of **Hari Nandan Prasad** have clearly held that when there are vacancies, in absence of unfair labour practice the Labour court would not give directions for regularization only because a worker had worked as daily wage worker for number of years. Further, if there are no posts available such a direction for regularization would be impermissible.

In his reply argument the learned AR for the claimant submitted that the management being the employer have thrown better light on the employer employee relationship. Though the Tribunal directed production of the documents, management avoided the same. But the documents produced by the claimant very well proves that he had worked for 240 days in a calendar year and was getting wage from the Bank. The witness examined by the Management has also admitted that the post of the sweeper is still vacant in the bank. In view of the same the Tribunal is empowered to give a direction for regularization of the service of the claimant considering the number of years he has worked in the bank without proper wage being given.

FINDING

Issue No. 2

This issue has been taken up for consideration at the first instance since it will have a decisive impact on the finding of the other issue.

The learned AR for the Management strongly contended that there lies no relationship between the claimant and the Bank as employer and employee and the claimant had never completed 240 days of work in the calendar year preceding his alleged termination. It is also submitted that the claimant has failed to establish the employer/ employee relationship.

The workman has pleaded in the claim petition as well as filed an affidavit stating that he was appointed as a sweeper w.e.f 1.5.98 and continuously worked as such until his service was terminated in the year 2013. His wage was initially Rs 20/- per day which was increased from time to time and the last drawn per day wage was Rs120/-during cross examination he has stated that from the internal circular of the Bank he

could know about the vacant post of the sweeper lying so after the death of his father, a regular employee of the Bank and made application for the post. Appointment letter was issued to him by the Bank. But no such appointment letter has been placed on record. The claimant has also stated that Identity card was also issued to him as an employee of the Bank. The said I Card has been placed on record as evidence. During cross examination the claimant has stated that he was getting salary once in the first week of the month and was also getting monthly salary slip like the other employees. On the basis of this oral evidence the management has challenged the claim of the claimant that the documents like appointment letter and salary slip having not been filed by the claimant it is difficult to accept the claim that he was the employee of the Bank.

It is true that the above said documents have not been proved by the claimant. But the Management Bank in the written statement and by the oral evidence of MW 1 has clearly admitted that the claimant was working in the Bank during the relevant period but as a daily wager and as such his claim for reinstatement is not tenable under law.

For the opposing stands taken by the parties it is expedient to examine if the evidence on record proves the employer/ employee relationship between them. Before analyzing the law on the subject and the evidence on record it is worth mentioning that the claimant has filed photo copies of the documents which he had called from the Bank, but the latter did not produce those under the explanation that some have been destroyed during rain and some others during the shifting of the Branch. It has also been explained that no attendance Register is maintained in respect of persons engaged on daily wage basis. All these explanations offered by the Bank are not acceptable for the reason that the SBI, a public sector Bank of its own repute, was negligent to the extent that the documents were damaged due to rain and were lost during shifting. It is equally difficult to accept that the Bank never maintains the attendance register of the daily wage workers when they are being paid on the basis of the days of work rendered by them. The circumstances clearly prove that the Bank opted to withhold the documents called for by the claimant to support his claim. In the case of **Gopal Krishanji Keykar VS Md Haji Latif and Others, AIR1968 SC1413** and again in the case of **Bal Kishan VS Presiding Officer, 199693) SCT548**, the Hon'ble S C have held that the burden of proving the fact was on the Management as the party which possesses the best evidence is duty bound of producing the same irrespective of the burden of proof. Hence in this case when the Management has withheld material documents it is to be examined if the photocopies filed by the claimant goes to prove the said employer/employee relationship.

In this proceeding the claimant has all along maintained that he was working for the Bank eight hours a day. Besides sweeping he was attending to other works as directed and getting his salary at the beginning of the month though on a daily wage basis. To support the oral evidence several vouchers (photo copies) have been placed on record and the management has not denied these documents. The letters written by the then Manager of the Bank to the Zonal Office and Head Office have also been placed on record as Exhibits to prove this aspect. The witness examined by the Bank has also admitted during cross examination that the claimant was working as a sweeper of the Bank during the relevant period. as stated in the preceding paragraph, the claimant could not place on record the documents in support of his stand. In such a situation, the claim is to be examined from the other circumstances i.e the effective control test as has been observed in several pronouncements by the Hon'ble Apex Court including the case of **Steel Authority Of India VS National Union Waterfront Workers Union, reported in 92001) 7 SCC,1**. In the case of **Workmen of Food Corporation of India VS Food Corporation of India, AIR 1985(SC) 670**, the Apex Court pronounced that the contract of employment always discloses a relationship of command and obedience between them. When the same is proved from the evidence, the relationship of employer and employee is established.

In this proceeding the claimant has stated that besides working as sweeper he was attending to other works as assigned to him by the staff he bank. This oral evidence has not been controverted by the Management. On the contrary, the vouchers filed by the claimant clearly prove that he was working as a daily wage sweeper of the Bank for eight hours a day under the supervision and control of the staff of the Bank and was issued an I Card for facilitating his entry into the Bank. For the fact that he was not allotted a PF no like the regular and permanent employees of the Bank will not influence his rights in any manner. Hence from the oral and documentary evidence adduced by the claimant coupled with the oral evidence of the MW1, it is proved that the employer and employee relationship was existing between the Bank and the claimant during the relevant time as the bank had effective control and supervision over the work of the claimant during the said period. This issue is accordingly answered in favor of the claimant.

ISSUE No. 1&3

Industrial dispute has been raised by the workman and reference has been made by the appropriate Govt to adjudicate if any illegality has been committed by the management in refusing to reinstate the claimant into service and if so to what benefit he is entitled to. The management has forcefully argued and led evidence to show that the claimant was not a regular employee of the Bank. Thus there arises no question of terminating his service or refusing his reinstatement. The entire claim is based upon some misconception of facts. Having considered the submissions and appraisal of the record and documents filed this Tribunal is of the view that

there is no dispute on facts that the claimant was not a regular employee of the Management Bank, but was engaged as a sweeper on daily wage basis though he was made to work 8 hours a day, almost for 15 years, when his engagement was brought to an abrupt end in the year 2013. It has been admitted by the management witness MW1 that no notice pay or retrenchment compensation was paid to the claimant when he was disengaged from service, which appears to be in gross violation of the provisions of sec 25F and 25 G of the ID Act.

Now it is necessary to examine, can the relief of regularization be granted to the claimant. The sole argument advanced by the learned AR for the management is that the claimant has not prayed for that relief in the claim petition filed by him and the Tribunal can not grant a relief beyond the pleading.

But this argument does not sound convincing since the appropriate Govt has made the reference for adjudication on the legality of the action taken by the management and what other relief which can be granted to the claimant.

In his pleading the claimant has pleaded that he had worked for 240 days in the calendar year preceding his disengagement by the Bank. Since the date of death of his father, a permanent sweeper of the Bank, the post is lying vacant. Several representations made by him praying for regularization were not considered and at last he was threatened to withdraw the representations, otherwise his engagement would be discontinued. In the oral statement the claimant has stated that ultimately in a vindictive move his engagement was brought to an end in the year 2013.

The learned AR citing the judgment of **Uma Devi and Hari Nandan Prasad** referred supra argued that any order directing regularization will amount to back door entry into the service of a public sector Bank and thus no order containing any such direction should be passed by this Tribunal.

In the case of **Umadevi** referred supra, the Hon'ble SC held that the persons who were appointed on temporary or casual basis without following proper procedure can not claim regularization or absorption since the same is opposed to the policy of public employment. But this is not a case of claiming automatic absorption or regularization. The claimant had made several representations for his regularization in accordance to the policy of the Bank for regularizing the daily wage workers. The documents filed by the claimant clearly shows that the higher Management of the bank had asked several times the Branch Heads to furnish details of such workers and the Branch Manager in response to the same had furnished the list of daily wage workers in which the name of the claimant was at serial no one. The claimant has filed another document marked Ext WW1/6 wherein the Branch Manager while recommending the name of the claimant to the Higher Management had stated that the daily wage sweeper Ram Nath has worked for more than 240 days in preceding calendar year. With this the claimant has described the unfair labour practice adopted by the Bank in not regularizing his service.

The effect of the constitution Bench judgment of the Apex Court in the case of **Uma Devi** came up for consideration with reference to unfair labour practice by the Hon'ble SC in the case of **Maharashtra State Road Transport and Another VS Casteribe Rajya Parivahan Karmachari Sangathana, reported in (2009) 8 SCC,556**, wherein the Hon'ble Apex Court came to hold that the judgment in the case of **Uma Devi** has not overridden the power Industrial and Labour courts to pass appropriate orders once unfair labour practice on the part of the employer is established. The judgment of **Uma Devi** does not denude the Industrial and Labour Court of their statutory power. The matter again came up for consideration before the Hon'ble SC in the case of **Hari Nandan Prasad vs Employer Food Corporation of India** with reference to the judgement of **Uma Devi**. The management has heavily relied upon this judgment of **Hari Nandan Prasad** to argue that a direction to regularize the service of the claimant only on the basis of the number of years he had worked as a daily wagger will amount to back door entry. A careful reading of the judgment of **Hari Nandan Prasad** referred supra shows that the Hon'ble Apex court after considering the matter from all possible angles came to hold that the labour courts as a routine practice should not direct for regularization. The court in para 39 have observed

“39. On harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in absence of any unfair labour practice the labour court would not give direction for regularization only because the worker had continued as daily wage worker/adhoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances, giving of direction for regularization, only on the basis of the number of years put in by such worker as a daily wagger may amount to back door entry in to service which is an anathema to Art 14, of the constitution.”

Besides the case of **Maharashtra Road Transport** referred supra, the Hon'ble SC in the case of **Shri Ajaypal Singh VS Haryana Warehousing Corporation, decided in Civil Appeal No 6327 of 2014 by judgment dt 09th July 2014** have held that—

“The provisions of Industrial Disputes Act and the power of the Industrial Tribunal and Labour Courts provided therein were not at all under consideration in the case of Umadevi. The issue pertaining to unfair labour practice was neither the subject matter for decision nor it was decided in the case of Umadevi”

In the light of the above discussed judicial pronouncements, now it is to be examined from the evidence on record, if there is vacancy for the post of sweeper and if the claimant has been subjected to unfair labour practice. The claimant has stated in the claim petition as well as in his evidence that his father was working in the State Bank of India, Mirzapur Branch as a sweeper. He was a permanent employee of the Bank. After his death since the year 1995 the claimant was working on daily wage basis in the same post and the post is vacant after his dis engagement. The witness examined by the Bank as MW 1 has admitted during his cross examination that the said post in the Branch of the Bank is still vacant. Further the said witness has supported the stand of the claimant with regard to the unfair labour practice meted to him by saying that the notice of termination or termination compensation was not paid to the claimant in compliance to the provisions of sec 25F and 25G of the ID Act.

In the case of **J&K Bank Ltd vs Central Govt Industrial Tribunal And Others reported in 2018 LAB.I.C 2970** the Hon'ble High Court of J&K have held:-

“unfair labour practice-what amounts to- workman continued in temporary/contractual capacity for years together despite availability of vacant post, aimed at depriving him of the benefits and privilege of permanent workman-clearly amounts to unfair labour practice.”

Here is a case where as indicated above the claimant has been victimized on account of unfair labour practice by the bank. The post for which he is an aspirant is still vacant. Hence considering the circumstances it is felt expedient in the interest of justice to issue a direction to the bank to regularize the service of the claimant in the post of sweeper at Mirzapur Branch of the Bank which was vacant during the pendency of this proceeding. This issue is accordingly answered.

ORDER

The claim petition be and the same is allowed. It is held that the service of the claimant was illegally terminated and he was made a victim of unfair labour practice by the Bank. The claimant is held entitled to reinstatement to the post of sweeper in the Management Bank within two months from the date when this award would become executable. The management Bank shall reinstate the claimant in the post as directed along with 20% of the last drawn back wage from the date of termination till the date of reinstatement. The amount so accrued shall not carry any interest if paid within one month from the date of reinstatement failing which the Bank shall pay interest @9% per annum from the date it is payable and till it is actually paid.

Consign the record as per Rule. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

16th June, 2021

PRANITA MOHANTY, Presiding Officer